

REMARKS

Claims 1-10 remain in the application. The indication of allowable subject matter in claims 4-10 is acknowledged with appreciation.

Applicant requests reconsideration of the rejection of claims 1 and 2 under 35 USC 103(a) as being unpatentable over U.S. patent no 4,437,639 to Stein in view of Official Notice and in further view of U.S. patent no. 2,384,478 to Lapeyre.

Stein comprises a two part picture hanger, a wall mounted member 2 and a picture mounted member 3 which are mated to each other when hanging the picture in such a way as to provide alternatively a self-locking mount (when feature 14 is received in slot 17) or a self-adjusting mount (when feature 14 is located at bottom) by rotation between members 2 and 3.

Lapeyre in Figure 5 shows a disc hanger 41 which is attached to the wall with a fastener driven into the wall at a downward angle.

This well known attachment method is more secure for nails since the fastener is urged into the wall by the weight of the mounted picture to avoid loosening and pull out of the nail.

The hanger 41 cannot be rotated about the nail or screws 42 due to this downward inclination of the nail since the hanger would have to rotate about the inclined axis defined by the nail or screw 42. This rotation cannot in fact occur since if the hanger were attempted to be rotated about that axis it would interfere with the wall, as the flat surface of the hanger would have to rotate out of parallelism with the wall surface and thus into the plane of the wall surface, which obviously is impossible.

Claim 1 has been further amended to specify that the fastener extends normally to the plane of the back surface to further emphasize that the element is freely rotatable when positioned pressed against the wall surface by the fastener, distinguishing over the inclined

fastener of Lapeyre.

Furthermore, there is no suggestion in the Lapeyre patent that the hanger 41 be rotated or that there is an eccentric relationship between the axis of the fastener 42 and the disc hanger 41.

The nail shown in Figure 5 is inclined and appears to be centered at bottom of the disc 41 and off center at the top. The mere showing of spatial features in the drawing is not sufficient to constitute a disclosure of an eccentric rotation.

See Breen and Louterbac v Cobb and Jackson 179 USPQ 733 (CCPA 1973).

The proposed modification of Stein would completely defeat the purpose of Stein, as it would eliminate the picture mounted member 3 and the self-adjusting and self-locking functions created by the nature of the mating relationship between the wall mounted member 2 would thereby be lost.

This could hardly be seen as an obvious modification of Stein to one skilled in the art.

Accordingly, favorable reconsideration of claims 1 and 2 respectfully requested.

Respectfully submitted,

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